

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FLOYD'S OF LEADVILLE, INC.,  
n/k/a VALUED, INC.,

Plaintiff,

-against-

Docket No.1:22-cv-3318

ALEXANDER CAPITAL, L.P.; NESA  
MANAGEMENT, LLC; JOSEPH ANTHONY  
AMATO; ROCCO GERARD GUIDICIPIETRO;  
JONATHAN GAZDAK; GREGORY HURLEY;  
HOWARD DASILVA; RONALD BARRIE  
CLAPHAM; RONALD BARRIE CLAPHAM;  
THIEN TRUONG; PROVISION HOLDING,  
INC.; TIMOTHY KELLY; AND THREE DDD  
LLC,

DECLARATION OF  
R. BARRIE CLAPHAM

Defendants.

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R. BARRIE CLAPHAM, under penalty of perjury, declares as follows:

1. I am a defendant in this action and submit this declaration in opposition to plaintiff's motion to strike my answer. I invested \$2,000,000 in Floyd's of Leadville Inc., have never sold any of my shares and remain a shareholder of the company. In this action, I have denied liability because I have done nothing to cause any damages to plaintiff.

2. In this motion, Daniel Vedra, Esq. states that I knowingly employing unlicensed attorneys or encouraged others to do so. He somehow implicates me in Mark Leonard and Greg Hurley working together to obtain extensions of time to respond to the complaint. My basic understanding from that time is that Mark and Greg worked together to learn how to get extra time to respond to the complaint. While we certainly discussed Mark's cousin working for them, we soon learned that this was impermissible and I do not believe that they did anything with Mark's cousin. (I am a United Kingdom citizen rather than a United States citizen, and have very little understanding of the U.S. legal system.) In the avoidance of any misunderstanding, I

absolutely did not encourage anyone to utilize an unlicensed attorney, and I have no knowledge that either Mr. Hurley or Leonard ever did that.

3. As to Bryan McKenna, I do not believe I worked with him after he resigned from the Bar. I do not know the relevance of the time between his resigning and his resignation being accepted, but in early 2024, Mr. Rachmuth took over the case. Later, he informed me that Mr. McKenna had resigned from the Bar. I believe Mr. McKenna only acted as my counsel before his resignation was effective.

4. Regarding the answers filed by Mr. McKenna on my behalf, if the Court finds that this was inappropriate, I respectfully request that the Court permit accept my answer as completed by Mr. Rachmuth. Plaintiff's complaints about me are incorrect and/or untrue. As importantly, they have not affected plaintiff's case in any way and should be disregarded. I wish to be heard on the merits, at which time I believe I will be successful in defending myself.

Accordingly, I respectfully request that plaintiff's motion be denied in all respects and if the Court deems necessary, that the Court accept Mr. Rachmuth's answer on my behalf.

I declare that the foregoing is true and correct under penalty of perjury.

Dated: Los Angeles, California  
November 18, 2024

/s/ R. Barrie Clapham  
R. Barrie Clapham